

By: Harris

S.B. No. 1805

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of child support obligations, including interstate enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 154.004, Family Code, is amended to read as follows:

Sec. 154.004. PLACE OF PAYMENT. (a) The court shall order the payment of child support to ~~[a local registry, the Title IV-D agency, or]~~ the state disbursement unit~~[7]~~ as provided by Chapter 234~~[, as added by Chapter 911, Acts of the 75th Legislature, Regular Session, 1997]~~.

(b) In a Title IV-D case, the court or the Title IV-D agency shall order that income withheld for child support be paid~~[+~~

~~[(1) to the Title IV-D agency through a local registry, which shall forward the payment to the Title IV-D agency,~~

~~[(2) to the Title IV-D agency, or~~

~~[(3)]~~ to the state disbursement unit of this state or, if appropriate, to the state disbursement unit of another state.

SECTION 2. Section 158.502, Family Code, is amended by adding Subsection (d) to read as follows:

(d) The Title IV-D agency may issue an administrative writ of withholding to direct the payment of child support to the state disbursement unit of another state.

SECTION 3. Section 159.101, Family Code, is amended by

amending Subdivisions (7), (16), (19), (20), and (21) and adding Subdivisions (13-a) and (13-b) to read as follows:

(7) "Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this chapter or a law or procedure substantially similar to this chapter~~[, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act]~~.

(13-a) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, instrumentality, public corporation, or any other legal or commercial entity.

(13-b) "Record" means information that is:

(A) inscribed on a tangible medium or stored in an electronic or other medium; and

(B) retrievable in a perceivable form.

(16) "Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under this chapter or a law or procedure substantially similar to this chapter~~[, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act]~~.

(19) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes:

(A) an Indian tribe; and

(B) a foreign country or political subdivision
[~~jurisdiction~~] that has:

(i) been declared to be a foreign
reciprocating country or political subdivision under federal law;

(ii) established a reciprocal arrangement
for child support with this state; or

(iii) enacted a law or established
procedures for issuance and enforcement of support orders that are
substantially similar to the procedures under this chapter[, ~~the~~
~~Uniform Reciprocal Enforcement of Support Act, or the Revised~~
~~Uniform Reciprocal Enforcement of Support Act~~].

(20) "Support enforcement agency" means a public
official or agency authorized to seek:

(A) enforcement of support orders or laws
relating to the duty of support;

(B) establishment or modification of child
support;

(C) determination of parentage; [~~or~~]

(D) the location of obligors or their assets; or

(E) determination of the controlling child
support order.

"Support enforcement agency" does not include a domestic
relations office unless that office has entered into a cooperative
agreement with the Title IV-D agency to perform duties under this
chapter.

(21) "Support order" means a judgment, decree, [~~or~~]

1 order, or directive, whether temporary, final, or subject to
2 modification, issued by a tribunal for the benefit of a child, a
3 spouse, or a former spouse that provides for monetary support,
4 health care, arrearages, or reimbursement and may include related
5 costs and fees, interest, income withholding, attorney's fees, and
6 other relief.

7 SECTION 4. Subchapter B, Chapter 159, Family Code, is
8 amended by adding Sections 159.1015 and 159.110 and amending
9 Section 159.103 to read as follows:

10 Sec. 159.1015. SHORT TITLE. This chapter may be cited as the
11 Uniform Interstate Family Support Act.

12 Sec. 159.103. REMEDIES CUMULATIVE. (a) Remedies provided
13 in this chapter are cumulative and do not affect the availability of
14 remedies under other law, including the recognition of a support
15 order of a foreign country or political subdivision on the basis of
16 comity.

17 (b) This chapter does not:

18 (1) provide the exclusive method of establishing or
19 enforcing a support order under the law of this state; or

20 (2) grant a tribunal of this state jurisdiction to
21 render a judgment or issue an order relating to child custody or
22 visitation in a proceeding under this chapter.

23 Sec. 159.110. APPLICABILITY TO NONRESIDENT SUBJECT TO
24 PERSONAL JURISDICTION. (a) Except as provided by Subsection (b),
25 Subchapters D-H do not apply to a tribunal of this state exercising
26 personal jurisdiction over a nonresident in a proceeding under this
27 chapter or under other law of this state relating to a support order

1 or recognizing a support order of a foreign country or political
2 subdivision on the basis of comity. The tribunal shall apply the
3 procedural and substantive law of this state in a proceeding
4 described by this subsection.

5 (b) Notwithstanding Subsection (a), a tribunal of this
6 state exercising personal jurisdiction over a nonresident in a
7 proceeding under this chapter or under other law of this state
8 relating to a support order or recognizing a support order of a
9 foreign country or political subdivision on the basis of comity
10 may:

11 (1) receive evidence from another state as provided by
12 Section 159.316;

13 (2) communicate with a tribunal of another state as
14 provided by Section 159.317; and

15 (3) obtain discovery through a tribunal of another
16 state as provided by Section 159.318.

17 SECTION 5. Section 159.201, Family Code, is amended to read
18 as follows:

19 Sec. 159.201. BASES FOR JURISDICTION OVER NONRESIDENT. (a)
20 In a proceeding to establish~~[7]~~ or enforce~~[7, or modify]~~ a support
21 order or to determine parentage, a tribunal of this state may
22 exercise personal jurisdiction over a nonresident individual or the
23 individual's guardian or conservator if:

24 (1) the individual is personally served with citation
25 in this state;

26 (2) the individual submits to the jurisdiction of this
27 state by consent, by entering a general appearance, or by filing a

1 responsive document having the effect of waiving any contest to
2 personal jurisdiction;

3 (3) the individual resided with the child in this
4 state;

5 (4) the individual resided in this state and provided
6 prenatal expenses or support for the child;

7 (5) the child resides in this state as a result of the
8 acts or directives of the individual;

9 (6) the individual engaged in sexual intercourse in
10 this state and the child may have been conceived by that act of
11 intercourse;

12 (7) the individual asserted parentage in the paternity
13 registry maintained in this state by the bureau of vital
14 statistics; or

15 (8) there is any other basis consistent with the
16 constitutions of this state and the United States for the exercise
17 of personal jurisdiction.

18 (b) A tribunal of this state may not use the bases of
19 personal jurisdiction listed in Subsection (a) or in any other law
20 of this state to acquire personal jurisdiction to modify a child
21 support order of another state unless the requirements of Section
22 159.611 or 159.615 are satisfied.

23 SECTION 6. Section 159.202, Family Code, is amended to read
24 as follows:

25 Sec. 159.202. DURATION OF PERSONAL [~~PROCEDURE WHEN~~
26 ~~EXERCISING~~] JURISDICTION [~~OVER NONRESIDENT~~]. Personal [~~A tribunal~~
27 ~~of this state exercising personal~~] jurisdiction acquired by a

1 tribunal of this state in a proceeding under this chapter or other
2 law of this state relating to a support order continues as long as
3 the ~~[over a nonresident under Section 159.201 may apply Section~~
4 ~~159.316 to receive evidence from another state and Section 159.318~~
5 ~~to obtain discovery through a]~~ tribunal has continuing, exclusive
6 jurisdiction to modify its order or continuing jurisdiction to
7 enforce its order under Sections 159.205, 159.206, and 159.211 ~~[of~~
8 ~~another state]. [In all other respects, Subchapters D-H do not~~
9 ~~apply and the tribunal shall apply the procedural and substantive~~
10 ~~law of this state, including the rules on choice of law other than~~
11 ~~those established by this chapter.]~~

12 SECTION 7. The heading to Section 159.204, Family Code, is
13 amended to read as follows:

14 Sec. 159.204. SIMULTANEOUS PROCEEDINGS ~~[IN ANOTHER STATE]~~.

15 SECTION 8. The heading to Section 159.205, Family Code, is
16 amended to read as follows:

17 Sec. 159.205. CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY
18 CHILD SUPPORT ORDER.

19 SECTION 9. Sections 159.205(a), (b), (c), and (d), Family
20 Code, are amended to read as follows:

21 (a) A tribunal of this state that has issued ~~[issuing]~~ a
22 child support order consistent with the law of this state has and
23 shall exercise continuing, exclusive jurisdiction to modify its
24 ~~[over a child support]~~ order if the order is the controlling order
25 and:

26 (1) at the time a request for modification is filed,
27 ~~[as long as]~~ this state is ~~[remains]~~ the state of residence of the

obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(2) the ~~[until all of the]~~ parties consent in a record or in open court that the ~~[who are individuals have filed written consents with the]~~ tribunal of this state may continue to exercise jurisdiction to ~~[for a tribunal of another state to]~~ modify its ~~[the]~~ order ~~[and assume continuing, exclusive jurisdiction]~~.

(b) A tribunal of this state that has issued ~~[issuing]~~ a child support order consistent with the law of this state may not exercise ~~[its]~~ continuing, exclusive jurisdiction to modify the order if:

(1) each party who is an individual files a consent in a record with the tribunal of this state that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction; or

(2) the order is not the controlling order ~~[the order has been modified by a tribunal of another state under a law substantially similar to this chapter]~~.

(c) A tribunal of this state shall recognize the continuing, exclusive jurisdiction of a tribunal of another state if the ~~[If a child support order of this state is modified by a]~~ tribunal of the other ~~[another]~~ state has issued a child support order that modifies a child support order of a tribunal of this state under a law substantially similar to this chapter ~~[, a tribunal of this state loses its continuing, exclusive jurisdiction with regard to~~

1 ~~prospective enforcement of the order issued in this state and may~~
2 ~~only:~~

3 ~~[(1) enforce the order that was modified as to amounts~~
4 ~~accruing before the modification;~~

5 ~~[(2) enforce nonmodifiable aspects of that order; and~~

6 ~~[(3) provide other appropriate relief for violations~~
7 ~~of that order that occurred before the effective date of the~~
8 ~~modification].~~

9 (d) A tribunal of this state that does not have ~~[shall~~
10 ~~recognize the]~~ continuing, exclusive jurisdiction to modify a child
11 support order may serve as an initiating tribunal to request ~~[of]~~ a
12 tribunal of another state to modify a ~~[that issued a child]~~ support
13 order issued in that state ~~[under a law substantially similar to~~
14 ~~this chapter].~~

15 SECTION 10. Section 159.206, Family Code, is amended to
16 read as follows:

17 Sec. 159.206. ~~[ENFORCEMENT AND MODIFICATION OF SUPPORT~~
18 ~~ORDER BY TRIBUNAL HAVING]~~ CONTINUING JURISDICTION TO ENFORCE CHILD
19 SUPPORT ORDER. (a) A tribunal of this state that has issued a child
20 support order consistent with the law of this state may serve as an
21 initiating tribunal to request a tribunal of another state to
22 enforce:

23 (1) the order, if the order:
24 (A) is the controlling order; and
25 (B) has not been modified by a tribunal of
26 another state that assumed jurisdiction under the Uniform
27 Interstate Family Support Act; or

1 (2) a money judgment for support arrearages and
2 interest on the order accrued before a determination that an order
3 of another state is the controlling order ~~[or modify a support order~~
4 ~~issued in that state]~~.

5 (b) A tribunal of this state having continuing~~[, exclusive]~~
6 jurisdiction over a support order may act as a responding tribunal
7 to enforce ~~[or modify]~~ the order. ~~[If a party subject to the~~
8 ~~tribunal's continuing, exclusive jurisdiction no longer resides in~~
9 ~~the issuing state, in subsequent proceedings the tribunal may apply~~
10 ~~Section 159.316 to receive evidence from another state and Section~~
11 ~~159.318 to obtain discovery through a tribunal of another state.~~

12 ~~[(c) A tribunal of this state that lacks continuing,~~
13 ~~exclusive jurisdiction over a spousal support order may not serve~~
14 ~~as a responding tribunal to modify a spousal support order of~~
15 ~~another state.]~~

16 SECTION 11. The heading to Section 159.207, Family Code, is
17 amended to read as follows:

18 Sec. 159.207. DETERMINATION ~~[RECOGNITION]~~ OF CONTROLLING
19 CHILD SUPPORT ORDER.

20 SECTION 12. Section 159.207, Family Code, is amended by
21 amending Subsections (b), (c), (d), (e), and (f) and adding
22 Subsections (c-1) and (g) to read as follows:

23 (b) If a proceeding is brought under this chapter and two or
24 more child support orders have been issued by tribunals of this
25 state or another state with regard to the same obligor and same
26 child, a tribunal of this state having personal jurisdiction over
27 both the obligor and individual obligee shall apply the following

rules to determine [~~in determining~~] which order controls [~~to recognize for purposes of continuing, exclusive jurisdiction~~]:

(1) if only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal controls and must be so recognized;

(2) if more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter:

(A) [~~7~~] an order issued by a tribunal in the current home state of the child controls if an order is issued in the current home state of the child; or

(B) the order most recently issued controls [~~and must be so recognized, but~~] if an order has not been issued in the current home state of the child[, ~~the order most recently issued controls and must be so recognized~~]; and

(3) if none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of this state [~~having jurisdiction over the parties~~] shall issue a child support order that controls [~~and must be so recognized~~].

(c) If two or more child support orders have been issued for the same obligor and child [~~and if the obligor or the individual obligee resides in this state~~], on request of a party who is an individual or a support enforcement agency, [may request] a tribunal of this state having personal jurisdiction over both the obligor and the obligee who is an individual shall [~~to~~] determine which order controls [~~and must be so recognized~~] under Subsection (b). The request may be filed:

(1) with a registration for enforcement or

registration for modification under Subchapter G; or

(2) as a separate proceeding ~~[must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination].~~

(c-1) A request to determine the controlling order must be accompanied by a copy of each child support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

(d) The tribunal that issued the controlling order under Subsection (a), (b), or (c) ~~[is the tribunal that]~~ has continuing~~[, exclusive]~~ jurisdiction to the extent provided under Section 159.205 or 159.206.

(e) A tribunal of this state that determines by order which order is ~~[the identity of]~~ the controlling order under Subsection (b)(1) or (2) or Subsection (c) or that issues a new controlling order under Subsection (b)(3) shall state in that order:

(1) the basis upon which the tribunal made its determination;

(2) the amount of prospective child support, if any;
and

(3) the total amount of consolidated arrearages and accrued interest, if any, under the orders after all payments are credited under Section 159.209.

(f) Within 30 days after issuance of an order determining which order is ~~[the identity of]~~ the controlling order, the party

obtaining the order shall file a certified copy of the controlling order in ~~[it with]~~ each tribunal that issued or registered an earlier order of child support. A party or support enforcement agency that ~~[who]~~ obtains the order and fails to file a certified copy of the order is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

(g) An order that has been determined to be the controlling order, or a judgment for consolidated support arrearages and interest issued under this section, must be recognized in a proceeding under this chapter.

SECTION 13. Subchapter C, Chapter 159, Family Code, is amended by amending Sections 159.208 and 159.209 and adding Section 159.210 to read as follows:

Sec. 159.208. ~~[MULTIPLE]~~ CHILD SUPPORT ORDERS FOR TWO OR MORE OBLIGEES. In responding to ~~[multiple]~~ registrations or petitions for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of this state shall enforce those orders in the same manner as if the ~~[multiple]~~ orders had been issued by a tribunal of this state.

Sec. 159.209. CREDIT FOR PAYMENTS. A tribunal of this state shall credit amounts ~~[Amounts]~~ collected ~~[and credited]~~ for a particular period under a support order ~~[issued by a tribunal of another state must be credited]~~ against the amounts owed ~~[accruing]~~

1 ~~or accrued~~] for the same period under any other child ~~[a]~~ support
2 order for support of the same child issued by a ~~[the]~~ tribunal of
3 this or another state.

4 Sec. 159.210. CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY
5 SPOUSAL SUPPORT ORDER. (a) A tribunal of this state issuing a
6 spousal support order consistent with the law of this state has
7 continuing, exclusive jurisdiction to modify the spousal support
8 order throughout the existence of the support obligation.

9 (b) A tribunal of this state may not modify a spousal
10 support order issued by a tribunal of another state having
11 continuing, exclusive jurisdiction over that order under the law of
12 that state.

13 (c) A tribunal of this state that has continuing, exclusive
14 jurisdiction over a spousal support order may serve as:

15 (1) an initiating tribunal to request a tribunal of
16 another state to enforce the spousal support order issued in this
17 state; or

18 (2) a responding tribunal to enforce or modify its own
19 spousal support order.

20 SECTION 14. Section 159.301(c), Family Code, is amended to
21 read as follows:

22 (c) An individual or a support enforcement agency may
23 initiate ~~[commence]~~ a proceeding authorized under this chapter by
24 filing a petition in an initiating tribunal for forwarding to a
25 responding tribunal or by filing a petition or a comparable
26 pleading directly in a tribunal of another state that has or that
27 can obtain personal jurisdiction over the respondent.

SECTION 15. The heading to Section 159.302, Family Code, is amended to read as follows:

Sec. 159.302. PROCEEDING [~~ACTION~~] BY MINOR PARENT.

SECTION 16. Sections 159.303 and 159.304, Family Code, are amended to read as follows:

Sec. 159.303. APPLICATION OF LAW OF STATE. Except as otherwise provided in this chapter, a responding tribunal of this state shall:

(1) apply the procedural and substantive law[~~including the rules on choice of law,~~] generally applicable to similar proceedings originating in this state and may exercise all powers and provide all remedies available in those proceedings; and

(2) determine the duty of support and the amount payable in accordance with the law and support guidelines of this state.

Sec. 159.304. DUTIES OF INITIATING TRIBUNAL. (a) On the filing of a petition authorized by this chapter, an initiating tribunal of this state shall forward [~~three copies of~~] the petition and its accompanying documents:

(1) to the responding tribunal or appropriate support enforcement agency in the responding state; or

(2) if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

(b) If requested by the responding tribunal, a [~~responding~~

1 ~~state has not enacted the Uniform Interstate Family Support Act or a~~
2 ~~law or procedure substantially similar to that Act, a]~~ tribunal of
3 this state shall ~~may~~ issue a certificate or other document and
4 make findings required by the law of the responding state. If the
5 responding state is a foreign country or political subdivision
6 ~~[jurisdiction]~~, the tribunal shall ~~may~~ specify the amount of
7 support sought, convert that amount into the equivalent amount in
8 the foreign currency under the applicable official or market
9 exchange rate as publicly reported, and provide any other documents
10 necessary to satisfy the requirements of the responding state.

11 SECTION 17. Section 159.305, Family Code, is amended by
12 amending Subsection (b) and adding Subsection (f) to read as
13 follows:

14 (b) Except as prohibited by other law, a ~~[A]~~ responding
15 tribunal of this state~~[, to the extent otherwise authorized by~~
16 ~~law,~~ may do one or more of the following:

17 (1) issue or enforce a support order, modify a child
18 support order, determine the controlling child support order, or
19 ~~[render a judgment to]~~ determine parentage;

20 (2) order an obligor to comply with a support order and
21 specify the amount and the manner of compliance;

22 (3) order income withholding;

23 (4) determine the amount of any arrearages and specify
24 a method of payment;

25 (5) enforce orders by civil or criminal contempt, or
26 both;

27 (6) set aside property for satisfaction of the support

1 order;

2 (7) place liens and order execution on the obligor's
3 property;

4 (8) order an obligor to keep the tribunal informed of
5 the obligor's current residential address, telephone number,
6 employer, address of employment, and telephone number at the place
7 of employment;

8 (9) issue a bench warrant or capias for an obligor who
9 has failed after proper notice to appear at a hearing ordered by the
10 tribunal and enter the bench warrant or capias in any local and
11 state computer systems for criminal warrants;

12 (10) order the obligor to seek appropriate employment
13 by specified methods;

14 (11) award reasonable attorney's fees and other fees
15 and costs; and

16 (12) grant any other available remedy.

17 (f) If requested to enforce a support order, a judgment for
18 arrearages, or another judgment or to modify a support order stated
19 in a foreign currency, a responding tribunal of this state shall
20 convert the amount stated in the foreign currency to the equivalent
21 amount in dollars under the applicable official or market exchange
22 rate as publicly reported.

23 SECTION 18. Section 159.307, Family Code, is amended by
24 amending Subsection (b) and adding Subsections (b-1)-(b-3) to read
25 as follows:

26 (b) A support enforcement agency of this state that provides
27 services to the petitioner [~~as appropriate~~] shall:

1 (1) take all steps necessary to enable an appropriate
2 tribunal in this state or another state to obtain jurisdiction over
3 the respondent;

4 (2) request an appropriate tribunal to set a date,
5 time, and place for a hearing;

6 (3) make a reasonable effort to obtain all relevant
7 information, including information as to income and property of the
8 parties;

9 (4) not later than the second day, excluding
10 Saturdays, Sundays, and legal holidays, after the date of receipt
11 of a written notice in a record from an initiating, responding, or
12 registering tribunal, send a copy of the notice to the petitioner;

13 (5) not later than the second day, excluding
14 Saturdays, Sundays, and legal holidays, after the date of receipt
15 of a written communication in a record from the respondent or the
16 respondent's attorney, send a copy of the communication to the
17 petitioner; and

18 (6) notify the petitioner if jurisdiction over the
19 respondent cannot be obtained.

20 (b-1) A support enforcement agency of this state that
21 requests registration of a child support order in this state for
22 enforcement or for modification shall make reasonable efforts to
23 ensure that:

24 (1) the order to be registered is the controlling
25 order; or

26 (2) a request for a determination of which order is the
27 controlling order is made in a tribunal having jurisdiction to make

1 the determination, if two or more child support orders have been
2 issued and a determination of the controlling order has not been
3 made.

4 (b-2) A support enforcement agency of this state that
5 requests registration and enforcement of a support order, a
6 judgment for arrearages, or another judgment stated in a foreign
7 currency shall convert the amount stated in the foreign currency to
8 the equivalent amount in dollars under the applicable official or
9 market exchange rate as publicly reported.

10 (b-3) A support enforcement agency of this state shall
11 issue, or request a tribunal of this state to issue, a child support
12 order and an income-withholding order that redirects payment of
13 current support, arrearages, and interest if requested to do so by a
14 support enforcement agency of another state under Section 159.319.

15 SECTION 19. Section 159.308, Family Code, is amended to
16 read as follows:

17 Sec. 159.308. DUTY OF STATE OFFICIAL OR AGENCY [~~ATTORNEY~~
18 ~~GENERAL~~]. (a) If the appropriate state official or agency
19 [~~attorney general~~] determines that the support enforcement agency
20 is neglecting or refusing to provide services to an individual, the
21 state official or agency [~~attorney general~~] may order the agency to
22 perform its duties under this chapter or may provide those services
23 directly to the individual.

24 (b) The appropriate state official or agency may determine
25 that a foreign country or political subdivision has established a
26 reciprocal arrangement for child support with this state and take
27 appropriate action for notification of the determination.

SECTION 20. Section 159.310(b), Family Code, is amended to read as follows:

(b) The state information agency shall:

(1) compile and maintain a current list, including addresses, of the tribunals in this state that have jurisdiction under this chapter and any support enforcement agencies in this state and send a copy to the state information agency of every other state;

(2) maintain a register of names and addresses of tribunals and support enforcement agencies received from other states;

(3) forward to the appropriate tribunal in the county ~~[place]~~ in this state where the ~~[individual]~~ obligee who is an individual or the obligor resides, or where the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from an initiating tribunal or the state information agency of the initiating state; and

(4) obtain information concerning the location of the obligor and the obligor's property in this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

SECTION 21. Section 159.311(a), Family Code, is amended to

read as follows:

(a) In a proceeding under this chapter, a [A] petitioner seeking to establish [or modify] a support order, [or] to determine parentage, or to register and modify a support order of another state [in a proceeding under this chapter] must file a [verify the] petition. Unless otherwise ordered under Section 159.312, the petition or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee or the parent and alleged parent and the name, sex, residential address, social security number, and date of birth of each child for whose benefit [whom] support is sought or whose parentage is to be determined. Unless filed at the time of registration, the [The] petition must be accompanied by a [certified] copy of any support order known to have been issued by another tribunal [in effect]. The petition may include any other information that may assist in locating or identifying the respondent.

SECTION 22. Section 159.312, Family Code, is amended to read as follows:

Sec. 159.312. NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL CIRCUMSTANCES. If a party alleges in an affidavit or pleading under oath [On a finding, which may be made ex parte,] that the health, safety, or liberty of a party or child would be jeopardized [unreasonably put at risk] by [the] disclosure of specific identifying information regarding the party or the child, the identifying information shall be sealed and may not be disclosed to the other party or to the public. After a hearing in which a

1 tribunal considers the health, safety, or liberty of the party or
 2 the child, the ~~[or if an existing order so provides, a]~~ tribunal may
 3 ~~[shall]~~ order disclosure of ~~[that the address of the child or party~~
 4 ~~or other identifying]~~ information if the tribunal determines that
 5 the disclosure serves the interests of justice ~~[not be disclosed in~~
 6 ~~a pleading or other document filed in a proceeding under this~~
 7 ~~chapter]~~.

8 SECTION 23. Section 159.314(a), Family Code, is amended to
 9 read as follows:

10 (a) Participation by a petitioner in a proceeding under this
 11 chapter before a responding tribunal, whether in person, by private
 12 attorney, or through services provided by the support enforcement
 13 agency, does not confer personal jurisdiction over the petitioner
 14 in another proceeding.

15 SECTION 24. Sections 159.316(a), (b), (e), and (f), Family
 16 Code, are amended to read as follows:

17 (a) The physical presence of a nonresident party who is an
 18 individual ~~[the petitioner]~~ in a ~~[responding]~~ tribunal of this
 19 state is not required for the establishment, enforcement, or
 20 modification of a support order or the rendition of a judgment
 21 determining parentage.

22 (b) An ~~[A verified petition,]~~ affidavit, a document
 23 substantially complying with federally mandated forms, or ~~[and]~~ a
 24 document incorporated by reference in an affidavit or document,
 25 that would ~~[the petition, affidavit, or document,]~~ not be
 26 ~~[excluded]~~ under the hearsay rule if given in person, is ~~[are]~~
 27 admissible in evidence if given under penalty of perjury ~~[oath]~~ by a

1 party or witness residing in another state.

2 (e) Documentary evidence transmitted [~~sent~~] from another
3 state to a tribunal of this state by telephone, telecopier, or
4 another means that does not provide an original record [~~writing~~]
5 may not be excluded from evidence on an objection based on the means
6 of transmission.

7 (f) In a proceeding under this chapter, a tribunal of this
8 state shall [~~may~~] permit a party or witness residing in another
9 state to be deposed or to testify by telephone, audiovisual means,
10 or other electronic means at a designated tribunal or other
11 location in that state. A tribunal of this state shall cooperate
12 with a tribunal of another state in designating an appropriate
13 location for the deposition or testimony.

14 SECTION 25. Section 159.317, Family Code, is amended to
15 read as follows:

16 Sec. 159.317. COMMUNICATIONS BETWEEN TRIBUNALS. A tribunal
17 of this state may communicate with a tribunal of another state in a
18 record [~~writing~~], by telephone, or by other [~~another~~] means, to
19 obtain information concerning the laws [~~of that state~~], the legal
20 effect of a judgment, decree, or order of that tribunal, and the
21 status of a proceeding in the other state. A tribunal of this state
22 may furnish similar information by similar means to a tribunal of
23 another state.

24 SECTION 26. Section 159.319, Family Code, is amended to
25 read as follows:

26 Sec. 159.319. RECEIPT AND DISBURSEMENT OF PAYMENTS. (a) A
27 support enforcement agency or tribunal of this state shall disburse

1 promptly any amounts received under a support order, as directed by
2 the order. The agency or tribunal shall furnish to a requesting
3 party or tribunal of another state a certified statement by the
4 custodian of the record of the amounts and dates of all payments
5 received.

6 (b) If the obligor, the obligee who is an individual, and
7 the child do not reside in this state, on request from the support
8 enforcement agency of this state or another state, the support
9 enforcement agency of this state or a tribunal of this state shall:

10 (1) direct that the support payment be made to the
11 support enforcement agency in the state in which the obligee is
12 receiving services; and

13 (2) issue and send to the obligor's employer a
14 conforming income-withholding order or an administrative notice of
15 change of payee reflecting the redirected payments.

16 (c) The support enforcement agency of this state on
17 receiving redirected payments from another state under a law
18 similar to Subsection (b) shall provide to a requesting party or a
19 tribunal of the other state a certified statement by the custodian
20 of the record of the amount and dates of all payments received.

21 SECTION 27. Section 159.401(b), Family Code, is amended to
22 read as follows:

23 (b) The tribunal may issue a temporary child support order
24 if the tribunal determines that the order is appropriate and the
25 individual ordered to pay is:

26 (1) a presumed father of the child ~~[the respondent has~~
27 ~~signed a verified statement acknowledging parentage];~~

1 (2) a man petitioning to have his paternity
2 adjudicated [~~the respondent has been determined by or under law to~~
3 ~~be the parent~~]; [~~or~~]

4 (3) a man identified as the father of the child through
5 genetic testing;

6 (4) an alleged father who has declined to submit to
7 genetic testing;

8 (5) a man shown by clear and convincing evidence to be
9 the father of the child;

10 (6) an acknowledged father;

11 (7) the mother of the child; or

12 (8) an individual who has been ordered to pay child
13 support in a previous proceeding and the order has not been reversed
14 or vacated [~~there is other clear and convincing evidence that the~~
15 ~~respondent is the child's parent~~].

16 SECTION 28. Section 159.501, Family Code, is amended to
17 read as follows:

18 Sec. 159.501. EMPLOYER'S RECEIPT OF INCOME-WITHHOLDING
19 ORDER OF ANOTHER STATE. An income-withholding order issued in
20 another state may be sent by or on behalf of the obligee or by the
21 support enforcement agency to the person defined as [~~to~~] the
22 obligor's employer under the income-withholding law of this state
23 [~~Chapter 158~~] without first filing a petition or comparable
24 pleading or registering the order with a tribunal of this state.

25 SECTION 29. Section 159.502(c), Family Code, is amended to
26 read as follows:

27 (c) Except as otherwise provided in Subsection (d) and

1 Section 159.503, the employer shall withhold and distribute the
2 funds as directed in the withholding order by complying with terms
3 of the order that specify:

4 (1) the duration and amount of periodic payments of
5 current child support, stated as a sum certain;

6 (2) the person ~~[or agency]~~ designated to receive
7 payments and the address to which the payments are to be forwarded;

8 (3) medical support, whether in the form of periodic
9 cash payments, stated as a sum certain, or ordering the obligor to
10 provide health insurance coverage for the child under a policy
11 available through the obligor's employment;

12 (4) the amount of periodic payments of fees and costs
13 for a support enforcement agency, the issuing tribunal, and the
14 obligee's attorney, stated as sums certain; and

15 (5) the amount of periodic payments of arrearages and
16 interest on arrearages, stated as sums certain.

17 SECTION 30. Section 159.503, Family Code, is amended to
18 read as follows:

19 Sec. 159.503. EMPLOYER'S COMPLIANCE WITH TWO OR MORE
20 ~~[MULTIPLE]~~ INCOME-WITHHOLDING ORDERS. If an obligor's employer
21 receives two or more ~~[multiple]~~ income-withholding orders with
22 respect to the earnings of the same obligor, the employer satisfies
23 the terms of the ~~[multiple]~~ orders if the employer complies with the
24 law of the state of the obligor's principal place of employment to
25 establish the priorities for withholding and allocating income
26 withheld for two or more ~~[multiple]~~ child support obligees.

27 SECTION 31. Section 159.506, Family Code, is amended to

read as follows:

Sec. 159.506. CONTEST BY OBLIGOR. (a) An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this state by registering the order in a tribunal of this state and:

(1) filing a contest to that order under Subchapter G;
or

(2) contesting the order in the same manner as if the order had been issued by a tribunal of this state [~~Section 159.604 applies to the contest~~].

(b) The obligor shall give notice of the contest to:

(1) a support enforcement agency providing services to the obligee;

(2) each employer that has directly received an income-withholding order relating to the obligor; and

(3) the person [~~or agency~~] designated to receive payments in the income-withholding order or to the obligee, if no person [~~or agency~~] is designated.

SECTION 32. Section 159.507(a), Family Code, is amended to read as follows:

(a) A party or support enforcement agency seeking to enforce a support order or an income-withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support enforcement agency of this state.

SECTION 33. The heading to Subchapter G, Chapter 159, Family Code, is amended to read as follows:

SUBCHAPTER G. REGISTRATION, ENFORCEMENT, AND MODIFICATION OF

SUPPORT ORDER [~~AFTER REGISTRATION~~]

SECTION 34. Section 159.602, Family Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) A support order or income-withholding order of another state may be registered in this state by sending to the appropriate tribunal in this state:

(1) a letter of transmittal to the tribunal requesting registration and enforcement;

(2) two copies, including one certified copy, of the order [~~all orders~~] to be registered, including any modification of the [~~an~~] order;

(3) a sworn statement by the person requesting [~~party seeking~~] registration or a certified statement by the custodian of the records showing the amount of any arrearage;

(4) the name of the obligor and, if known:

(A) the obligor's social security number;

(B) the name and address of the obligor's employer and any other source of income of the obligor; and

(C) a description of and the location of property of the obligor in this state not exempt from execution; and

(5) except as otherwise provided by Section 159.312, the name of the obligee and, if applicable, the [~~agency or~~] person to whom support payments are to be remitted.

(d) If two or more orders are in effect, the person requesting registration shall:

1 (1) provide to the tribunal a copy of each support
2 order and the documents specified in this section;

3 (2) identify the order alleged to be the controlling
4 order, if any; and

5 (3) state the amount of consolidated arrearages, if
6 any.

7 (e) A request for a determination of which order is the
8 controlling order may be filed separately from or with a request for
9 registration and enforcement or for registration and modification.
10 The person requesting registration shall give notice of the request
11 to each party whose rights may be affected by the determination.

12 SECTION 35. Section 159.604, Family Code, is amended to
13 read as follows:

14 Sec. 159.604. CHOICE OF LAW. (a) Except as provided by
15 Subsection (d), the [The] law of the issuing state governs:

16 (1) the nature, extent, amount, and duration of
17 current payments under a registered support order;

18 (2) [~~and other obligations of support and~~] the
19 computation and payment of arrearages and accrual of interest on
20 the arrearages under the support order; and

21 (3) the existence and satisfaction of other
22 obligations under the support order.

23 (b) In a proceeding for arrearages under a registered
24 support order, the statute of limitation [~~under the laws~~] of this
25 state or of the issuing state, whichever [~~statute of limitation~~] is
26 longer, applies.

27 (c) A responding tribunal in this state shall apply the

1 procedures and remedies of this state to enforce current support
2 and collect arrearages and interest due on a support order of
3 another state registered in this state.

4 (d) After a tribunal of this or another state determines
5 which order is the controlling order and issues an order
6 consolidating arrearages, if any, the tribunal of this state shall
7 prospectively apply the law of the state issuing the controlling
8 order, including that state's law on interest on arrearages,
9 current and future support, and consolidated arrearages.

10 SECTION 36. Section 159.605, Family Code, is amended by
11 amending Subsection (b) and adding Subsection (b-1) to read as
12 follows:

13 (b) The notice under this section must inform the
14 nonregistering party:

15 (1) that a registered order is enforceable as of the
16 date of registration in the same manner as an order issued by a
17 tribunal of this state;

18 (2) that a hearing to contest the validity or
19 enforcement of the registered order must be requested within 20
20 days after notice;

21 (3) that failure to contest the validity or
22 enforcement of the registered order in a timely manner:

23 (A) will result in confirmation of the order and
24 enforcement of the order and the alleged arrearages; and

25 (B) precludes further contest of that order with
26 respect to any matter that could have been asserted; and

27 (4) of the amount of any alleged arrearages.

1 (b-1) If the registering party asserts that two or more
2 orders are in effect, the notice under this section must also:

3 (1) identify:

4 (A) the orders, including which order is alleged
5 by the registering person to be the controlling order; and

6 (B) the consolidated arrearages, if any;

7 (2) notify the nonregistering party of the right to a
8 determination of which order is the controlling order;

9 (3) state that the procedures provided in Subsection
10 (b) apply to the determination of which order is the controlling
11 order; and

12 (4) state that failure to contest the validity or
13 enforcement of the order alleged to be the controlling order in a
14 timely manner may result in confirmation that the order is the
15 controlling order.

16 SECTION 37. Section 159.607(a), Family Code, is amended to
17 read as follows:

18 (a) A party contesting the validity or enforcement of a
19 registered order or seeking to vacate the registration has the
20 burden of proving one or more of the following defenses:

21 (1) the issuing tribunal lacked personal jurisdiction
22 over the contesting party;

23 (2) the order was obtained by fraud;

24 (3) the order has been vacated, suspended, or modified
25 by a later order;

26 (4) the issuing tribunal has stayed the order pending
27 appeal;

1 (5) there is a defense under the law of this state to
2 the remedy sought;

3 (6) full or partial payment has been made; ~~[or]~~

4 (7) the statute of limitation under Section 159.604
5 precludes enforcement of some or all of the alleged arrearages; or

6 (8) the alleged controlling order is not the
7 controlling order.

8 SECTION 38. Section 159.610, Family Code, is amended to
9 read as follows:

10 Sec. 159.610. EFFECT OF REGISTRATION FOR MODIFICATION. A
11 tribunal of this state may enforce a child support order of another
12 state registered for purposes of modification in the same manner as
13 if the order had been issued by a tribunal of this state, but the
14 registered order may be modified only if the requirements of
15 Section 159.611, 159.613, or 159.615 have been met.

16 SECTION 39. Section 159.611, Family Code, is amended by
17 amending Subsections (a), (c), and (d) and adding Subsection (e) to
18 read as follows:

19 (a) Except as provided by Section 159.615, on petition a
20 tribunal of this state may modify ~~[After]~~ a child support order
21 issued in another state and ~~[has been]~~ registered in this state~~[,~~
22 ~~the responding tribunal of this state may modify the order]~~ only if
23 Section 159.613 does not apply and after notice and hearing the
24 tribunal finds that:

25 (1) the following requirements are met:

26 (A) the child, the ~~[individual]~~ obligee who is an
27 individual, and the obligor do not reside in the issuing state;

1 (B) a petitioner who is a nonresident of this
2 state seeks modification; and

3 (C) the respondent is subject to the personal
4 jurisdiction of the tribunal of this state; or

5 (2) this state is the state of residence of the child
6 and the child, or a party who is an individual, is subject to the
7 personal jurisdiction of the tribunal of this state and all of the
8 parties who are individuals have filed in a record in the issuing
9 tribunal [~~written~~] consents for a tribunal of this state to modify
10 the support order and assume continuing, exclusive jurisdiction
11 [~~over the order; however, for the purposes of this subdivision, if~~
12 ~~the issuing state is a foreign jurisdiction that has not enacted a~~
13 ~~law or established procedures substantially similar to the~~
14 ~~procedures under this chapter, the consent otherwise required of an~~
15 ~~individual residing in this state is not required for the tribunal~~
16 ~~to assume jurisdiction to modify the child support order].~~

17 (c) Except as provided by Section 159.615, a [A] tribunal of
18 this state may not modify any aspect of a child support order,
19 including the duration of the obligation of support, that may not be
20 modified under the law of the issuing state. If two or more
21 tribunals have issued child support orders for the same obligor and
22 same child, the order that controls and must be [~~so~~] recognized
23 under Section 159.207 establishes the aspects of the support order
24 that are nonmodifiable.

25 (d) On issuance of an order by a tribunal of this state
26 modifying a child support order issued in another state, the [~~a~~]
27 tribunal of this state becomes the tribunal of continuing,

1 exclusive jurisdiction.

2 (e) In a proceeding to modify a child support order, the law
3 of the state that is determined to have issued the initial
4 controlling order governs the duration of the obligation of
5 support. The obligor's fulfillment of the duty of support
6 established by that order precludes imposition of a further
7 obligation of support by a tribunal of this state.

8 SECTION 40. Section 159.612, Family Code, is amended to
9 read as follows:

10 Sec. 159.612. RECOGNITION OF ORDER MODIFIED IN ANOTHER
11 STATE. If a child support order issued by a [A] tribunal of this
12 state is modified [~~shall recognize a modification of its earlier~~
13 ~~child support order~~] by a tribunal of another state that assumed
14 jurisdiction under the Uniform Interstate Family Support Act, a
15 tribunal of this state [~~under a law substantially similar to this~~
16 ~~chapter and, except as otherwise provided in this chapter, shall on~~
17 ~~request~~]:

18 (1) may enforce the order that was modified only as to
19 arrearages interest [~~amounts~~] accruing before the modification;

20 (2) may [~~enforce only nonmodifiable aspects of the~~
21 ~~order,~~

22 [~~(3)~~] provide [~~other~~] appropriate relief [~~only~~] for
23 violations [~~a violation~~] of the order that occurred before the
24 effective date of the modification; and

25 (3) shall [~~(4)~~] recognize the modifying order of the
26 other state, on registration, for the purpose of enforcement.

27 SECTION 41. Subchapter G, Chapter 159, Family Code, is

amended by adding Section 159.615 to read as follows:

Sec. 159.615. JURISDICTION TO MODIFY CHILD SUPPORT ORDER OF FOREIGN COUNTRY OR POLITICAL SUBDIVISION. (a) If a foreign country or political subdivision that is a state refuses to modify its order or may not under its law modify its order, a tribunal of this state may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal regardless of whether:

(1) consent to modification of a child support order has been given under Section 159.611; or

(2) the individual seeking modification is a resident of this state or of the foreign country or political subdivision.

(b) An order issued under this section is the controlling order.

SECTION 42. Section 159.701, Family Code, is amended to read as follows:

Sec. 159.701. PROCEEDING TO DETERMINE PARENTAGE. ~~[(a)] A court [tribunal] of this state authorized to determine the parentage of a child may serve as a [an initiating or] responding tribunal in a proceeding to determine parentage brought under this chapter or a law substantially similar to this chapter[, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child].~~

~~[(b) In a proceeding to determine parentage, a responding tribunal of this state shall apply the procedural and substantive~~

1 ~~law of this state and the rules of this state on choice of law.]~~

2 SECTION 43. Section 159.801(b), Family Code, is amended to
3 read as follows:

4 (b) The governor of this state may:

5 (1) demand that the governor of another state
6 surrender an individual found in the other state who is charged
7 criminally in this state with having failed to provide for the
8 support of an obligee; or

9 (2) on the demand of ~~by~~ the governor of another
10 state, surrender an individual found in this state who is charged
11 criminally in the other state with having failed to provide for the
12 support of an obligee.

13 SECTION 44. Section 159.802(b), Family Code, is amended to
14 read as follows:

15 (b) If, under this chapter or a law substantially similar to
16 this chapter, ~~[the Uniform Reciprocal Enforcement of Support Act,~~
17 ~~or the Revised Uniform Reciprocal Enforcement of Support Act,]~~ the
18 governor of another state makes a demand that the governor of this
19 state surrender an individual charged criminally in that state with
20 having failed to provide for the support of a child or other
21 individual to whom a duty of support is owed, the governor may
22 require a prosecutor to investigate the demand and report whether a
23 proceeding for support has been initiated or would be effective. If
24 it appears that a proceeding would be effective but has not been
25 initiated, the governor may delay honoring the demand for a
26 reasonable time to permit the initiation of a proceeding.

27 SECTION 45. Section 159.901, Family Code, is amended to

read as follows:

Sec. 159.901. UNIFORMITY OF APPLICATION AND CONSTRUCTION.
In applying and construing this chapter, consideration must be
given to the need to promote uniformity of ~~[This chapter shall be~~
~~applied and construed to effectuate its general purpose to make~~
~~uniform]~~ the law with respect to the subject matter of this chapter
among states that enact a law similar to this chapter ~~[enacting it]~~.

SECTION 46. Section 234.007, Family Code, is amended by
adding Subsection (f) to read as follows:

(f) The notice under Subsection (b) may be used by the Title
IV-D agency to redirect child support payments from the state
disbursement unit of this state to the state disbursement unit of
another state.

SECTION 47. Sections 159.205(f), 159.301(b), and 159.902,
Family Code, are repealed.

SECTION 48. (a) The changes in law made by this Act to
Section 154.004, Family Code, apply only to a court order or a
portion of a decree that provides for the support of a child that is
rendered on or after the effective date of this Act. An order or
decree rendered before the effective date of this Act is governed by
the law in effect on the date the order or decree was rendered, and
the former law is continued in effect for that purpose.

(b) Except as provided by Subsection (a), the changes in law
made by this Act apply only to an interstate proceeding to
establish, modify, or enforce a support obligation or to determine
parentage began on or after the effective date of this Act. A
proceeding begun before the effective date is governed by the law in

1 effect on the date the proceeding began, and the former law is
2 continued in effect for that purpose.

3 SECTION 49. This Act takes effect September 1, 2003.